

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN BILL GLASER**, on February 14, 2001 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Edward Butcher (R)
Sen. John Cobb (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Alvin Ellis Jr. (R)
Sen. Sam Kitzenberg (R)
Sen. Don Ryan (D)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Mignon Waterman (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Linda Ashworth, Committee Secretary
Eddy McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 418, 2/8/2001; SB 391,
2/8/2001; SB 457, 2/13/2001;
SB 430, 2/10/2001; SB 436,
2/10/2001
Executive Action: SB 423; SB 404

HEARING ON SB 418

Sponsor: SEN. DUANE GRIMES, SD 20, Clancy

Proponents: Jessica Millam, Self, Helena
Gary Swant, Sexual Abstinence and Family
 Education, Inc., Deer Lodge
Julie Millam, Christian Coalition of Montana
Jo Ann Dotson, Department of Public Health and
 Human Services
Sharon Hoff-Brodowy, Montana Catholic Conference

Opponents: Rick Chiotti, Office of Public Instruction
Wayne Buchanan, Board of Public Education
Eric Feaver, Montana Education Association/Montana
 Federation of Teachers
J.J. Straight, Planned Parenthood/Reproductive
 Rights Coalition
Stacey Anderson, Montana NARAL and Montanans for
 Choice
Scott Crichton, America Civil Liberties Union

Opening Statement by Sponsor:

SEN. DUANE GRIMES, SD 20, Boulder, opened on SB 418. **SEN. GRIMES** informed the committee that the bill would require the Board of Public Education to adopt rules requiring the teaching of sexual abstinence until marriage; and would supersede the unfunded mandate laws.

SEN. GRIMES instructed the committee on the widespread epidemic of sexually transmitted diseases. He maintained the bill would guard the mental, physical and emotional health of Montana's adolescents and unmarried teens.

SEN. GRIMES introduced and explained amendments (SB041801.adn) to SB 418, **EXHIBIT(eds37a01)**. He also read into testimony a letter from **Jill Flynn, Elementary Counselor, Townsend Schools and Chairman of the Governor's Advisory Council for the Montana Abstinence Project**, **EXHIBIT(eds37a02)**. He submitted written testimony from **Marsha Alsbury, Helena**, **EXHIBIT(eds37a03)**.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 18}

Proponents' Testimony:

Jessica Millam, representing herself, rose in support of SB 418. She shared her personal decisions regarding abstinence until marriage.

Gary Swant, Sexual Abstinence and Family Education, Inc., avowed support for SB 418. **Mr. Swant** submitted written testimony, **EXHIBIT**(eds37a04).

Julie Millam, Montana Christian Coalition, orated support for SB 418. **Ms. Millam** submitted written testimony, **EXHIBIT**(eds37a05).

{Tape : 1; Side : A; Approx. Time Counter : 18 - 32}

Jo Ann Dotson, Department of Public Health and Human Services, echoed support for SB 418. She submitted written testimony, **EXHIBIT**(eds37a06).

Sharon Hoff-Brodowy, Montana Catholic Conference, repeated support for SB 418.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 5}

Opponents' Testimony:

Rick Chiotti, representing the Office of Public Instruction, indicated opposition for SB 418. **Mr. Chiotti** submitted written testimony, **EXHIBIT**(eds37a07).

Wayne Buchanan, Board of Public Education, opposed SB 418. **Mr. Buchanan** stated his concerns that the legislature would try to mandate a part of the public school curriculum. He felt the best way to approach this issue would be by bringing the ideas and thoughts before the **Board of Public Education**. He reminded the committee that most schools are already doing this and having success with their programs.

Eric Feaver, Montana Education Association/Montana Federation of Teachers, commended those who had chosen abstinence and those that teach abstinence. **Mr. Feaver** reiterated that the appropriate forum for this bill would be the **Board of Public Education**. He reminded the committee that without the amendments the bill would be an unfunded mandate. **Mr. Feaver** felt a resolution would be more appropriate.

J.J. Straight, representing Planned Parenthood/Montana Reproductive Rights coalition, maintained that abstinence only programs were unrealistic in their approach. **Ms. Straight** submitted written testimony, **EXHIBIT**(eds37a08).

Stacey Anderson, Montana NARAL and Montanans for Choice, recited opposition to SB 418. **Ms. Anderson** submitted a copy of **Gary**

Swant's sexual abstinence curriculum, **EXHIBIT(eds37a09)**. She also submitted written testimony, **EXHIBIT(eds37a10)**.

Scott Crichton, American Civil Liberties Union, pronounced opposition to SB 418.

{Tape : 1; Side : B; Approx. Time Counter : 5 - 23}

Informational Testimony:

Michael Spence, MD, cited his qualifications and informed the committee that he currently serves as the medical officer at the **Department of Public Health and Human Services**. He told the committee he would be available for any questions from the committee.

{Tape : 1; Side : B; Approx. Time Counter : 23 - 24}

Questions from Committee Members and Responses:

SEN. DEBBIE SHEA asked for clarification regarding the percentages of decreases involving pregnancies and abortions.

SEN. GRIMES clarified that 50% of teens, 15-19 years of age are abstinent.

SEN. SHEA wondered if the decrease was due to the curriculum already in place in the schools. **SEN. GRIMES** maintained that he was not an expert on the subject and could not answer the question.

SEN. SHEA hypothesized that schools should keep the curriculums that are in place if they are working. **SEN. GRIMES** stated his belief that many schools are reluctant to participate in programs that present the abstinence message.

SEN. ALVIN ELLIS asked **Gary Swant** to reiterate the figures he referred to in his testimony. **Mr. Swant** expanded on the figures cited earlier in his testimony. He also asserted that teachers are discouraged from teaching abstinence information and SB 418 would end that discouragement.

SEN. JIM ELLIOT asked **Dr. Spence** to comment on the figures that claim the United States has the highest teenage pregnancy rate and the highest rate of sexually transmitted diseases in the industrialized world. **Dr. Spence** informed the committee that although the United States has a high rate of teenage pregnancies and sexually transmitted diseases, we also have one of the finer reporting systems in the world. We differ from the other

industrialized nations because they start their sexual education courses at a much earlier age than we do in the United States.

SEN. DON RYAN asked **Wayne Buchanan** to comment on any other courses that are mandated by legislature. **Mr. Buchanan** could only think of drug and alcohol education.

{Tape : 1; Side : B; Approx. Time Counter : 24 - 32}

SEN. JACK WELLS asked **Rick Chiotti** to compare the drop in pregnancies in schools that have an abstinence program, with the number of pregnancies in schools that do not have the program. **Mr. Chiotti** related he could not cite those figures. He narrated that the **Office of Public Instruction** began working with the Center for Disease Control developing an abstinence based program for Montana schools, in 1990. Eighty-eight percent of schools in the state use the program and since the inception of the program in 1991, the **Office of Public Instruction** has recorded a drop in the number of students engaging in sexual intercourse, from 52.5% to under 42%.

Citing the success of the program in the schools, **SEN. WELLS** contended all schools should be encouraged to adopt an abstinence based sexual education program. **Wayne Buchanan** agreed, but maintained that the Board of Public Education should mandate curriculum, not the legislature.

SEN. WELLS asked **Stacey Anderson** to explain her comment, "that abstinence has a 100% failure rate". **Ms. Anderson** pointed out that abstinence would not be a choice in preventing pregnancy within a marriage.

SEN. SHEA asked **Julie Millam** if her children were aware of other forms of contraception. **Ms. Millam** asserted that she taught her children appropriate concepts that agree with her family values. Her children learn from their life experiences and have made a life choice to be abstinent.

{Tape : 2; Side : A; Approx. Time Counter : 0 - 8}

Closing by Sponsor:

SEN. GRIMES closed on SB 418. He summarized that abstinence based sexual education programs are successful and young people have the ability to remain abstinent. He did not see this as added cost to the curriculum because sexual education curriculums are currently in place.

{Tape : 2; Side : A; Approx. Time Counter : 8 - 13}

HEARING ON SB 391

Sponsor: SEN. LORENTS GROSFIELD, SD 12, Big Timber

Proponents: Bob Ream, Self, Missoula
Bob Raney, Self, Livingston
Perry Brown, Dean of the School of Forestry,
Missoula
Paul Polzin, Bureau of Research, University of
Montana
Kay Unger, Montana Education Association/Montana
Federation of Teachers
Don Judge, AFL/CIO

Opponents: Betsy Baumgart, Holiday Inn Express, Helena
Kelly Flynn, Research and Advisory Council
Carl Kochmin, Self, Great Falls
Stuart Doggett, Montana Innkeepers Association
Amy Sullivan, Montana Tourism Coalition

Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, SD 12, Big Timber, opened on SB 391. He submitted written testimony, **EXHIBIT(eds37a11)** which explained the reasons the bill would remove the authority of the Tourism Advisory Council over travel research. The research would be performed by the Travel Research Program at the University of Montana. SEN. GROSFIELD submitted a letter regarding a legal opinion from Greg Petesch, Legal Services Director, **EXHIBIT(eds37a12)**.

{Tape : 2; Side : A; Approx. Time Counter : 13 - 23}

Proponents' Testimony:

Bob Ream, representing himself, rose in support of SB 391. Mr. Ream submitted written testimony, **EXHIBIT(eds37a13)**.

Bob Raney, representing himself, voiced support for SB 391. Mr. Raney stated that he has been a long time advocate of changing the distribution of the bed tax money, returning it to tourism related infrastructure, rather than spending it promoting Montana. Mr. Raney submitted additional information regarding: visitor statistics, **EXHIBIT(eds37a14)**; Yellowstone National Park recreational visitors, **EXHIBIT(eds37a15)**; survey of state tourism office budgets, **EXHIBIT(eds37a16)**; and resident suggested priorities for bed tax allocation, **EXHIBIT(eds37a17)**.

{Tape : 2; Side : A; Approx. Time Counter : 23 - 32}

Perry Brown, Dean of the School of Forestry, rose in support of SB 391. **Mr. Brown** discussed the past up and down relationship with the Tourism Advisory Council. He referred to the letter from **Greg Petesch, EXHIBIT (12)**, explaining that conflicts arise when an external body infringes on the constitutionality authority of the Board of Regents. **Mr. Brown** contended that this bill would take care of the problem. The bill would explain the purpose of policy analysis research and would call for consultation with the travel, recreation and heritage sectors when identifying needed projects.

Paul Polzin, Bureau of Research at the University of Montana, presented support for SB 391. **Mr. Polzin** submitted written testimony, **EXHIBIT (eds37a18)**.

Kay Unger, Montana Education Association/Montana Federation of Teachers, declared support for SB 391. She maintained that tax dollars that are received from the bed tax belong to the citizens of the state of Montana. Public policy makers should make the decisions on how to use those dollars to benefit the taxpayers of Montana.

Don Judge, AFL/CIO, affirmed support for SB 391.

{Tape : 2; Side : B; Approx. Time Counter : 0 - 18}

Opponents' Testimony:

Betsy Baumgart, Holiday Inn Express, rose in opposition to SB 391. **Ms. Baumgart** submitted written testimony, **EXHIBIT (eds37a19)**.

Kelly Flynn, Tourism Advisory Council, offered testimony in opposition to SB 391. **Mr. Flynn** submitted written testimony, **EXHIBIT (eds37a20)**.

Carl Kochmin, representing himself, declared opposition to SB 391. He stated his concerns from a businessman's standpoint. He reiterated that research is vital. Without adequate research, there is no way to effectively address the marketing qualities in the face of competition.

Stuart Doggett, Montana Innkeepers Association, stated opposition to SB 391. He charged that the internal system has evolved since the HB 84 passed in 1987, resulting in positive changes. He argued the Tourism Advisory Council should be involved. The

revenue needs to be appropriately spent and the current system does that. **Mr. Doggett** reminded the committee that the court case referred to in **Greg Petesch's** letter **EXHIBIT (12)** happened in 1975. HB 84 passed in 1987.

Amy Sullivan, Montana Tourism Coalition, presented opposition to SB 391. **Ms. Sullivan** submitted written testimony, **EXHIBIT (eds37a21)**. She submitted two additional letters as testimony, **EXHIBIT (eds37a22)**.

{Tape : 3; Side : A; Approx. Time Counter : 0 - 19}

Informational Testimony:

Matthew Cohn, Administrator of Travel Montana, informed the committee that he monitors the bed tax and offered to answer questions.

{Tape : 3; Side : A; Approx. Time Counter : 19 - 20}

Questions from Committee Members and Responses:

SEN. ED BUTCHER wondered how much bed tax money was in question.

SEN. GROSFIELD contended the total bed tax this last year was 1.2 million dollars. The University receives 2.5% of the money which would be approximately \$250,000. The amount would change every year depending on the total bed tax money.

SEN. BUTCHER argued his concerns that the money be diverted somewhere else besides research and promotion. **SEN. GROSFIELD** contended the tourism industry is the fastest growing industry in the state. He asserted that advertising has brought people to Montana. He professed his belief that more money should go into research.

SEN. BUTCHER debated whether the university should be given a blank check without having proper parameters. **SEN. GROSFIELD** reminded **SEN. BUTCHER** of the constitutional issue involved. He directed the committee to page 3 in the bill, which explained the kinds of research that would be done and also the statutory directions to accomplish that research.

CHAIRMAN BILL GLASER referred to the words "environmental protection" and inferred this issue was important to 47.9% of the people. He wondered if this was mislabeled because the report showed that environmental protection issues dealt with fixing open space, fish and wildlife, and management of state parks.

SEN. GROSFIELD agreed that this might be a misnomer but that kind

of percentage meant that more research needed to be conducted in this area.

CHAIRMAN GLASER debated the question that the university has the constitutional right to use the money in any way it sees fit. He clarified that the taxpayers of Montana would be contracting with the university system for the maintenance of a research program. He suggested language should be inserted into the bill that would make clear that the money would be paid to the university for a contracted service. **SEN. GROSFIELD** guessed that would satisfy the constitutional issue that was raised by **Mr. Petesch**. This would sidestep the ability of the Tourist Advisory Council to direct the university system.

SEN. BUTCHER reasoned that we are wasting the time of the commission by micro-managing their job. **SEN. GROSFIELD** responded that research is a very small part of what the Tourism Advisory Council does.

{Tape : 3; Side : A; Approx. Time Counter : 20 - 32}

SEN. BUTCHER asked to redirect the question to **Carl Kochmin**. **Mr. Kochmin** explained the research activity carried out by the Tourism Advisory Council. He explained that the Tourism Advisory Council also oversees the expenditures of bed tax money. It would deal with other issues such as resource use, tourism experience, and movies. The Council also acts as an advisor to the Governor on tourism matters and as a liaison with federal issues.

SEN. BUTCHER wondered if a serious problem would be created if the research was restricted. **Mr. Kochmin** reiterated that outside research firms could be contracted to fulfill contracts that could not be handled by the university. **Mr. Kochmin** maintained that the system should remain as it is and let the Advisory Council and the industry continue working with the university. He reminded the committee that many systems are currently in place, having resulted from many hours of work and it would be a shame to start at the beginning.

{Tape : 3; Side : B; Approx. Time Counter : 0 - 4}

Closing by Sponsor:

SEN. GROSFIELD closed on SB 391. He urged the committee to remember that tourism is a bright spot in the Montana economy. He contended that the bed tax money belongs to the Montana taxpayer so we must be responsive to the type of research the taxpayer wants addressed. He summarized that the bill adds

policy makers into the mix and would also take care of the constitutional issues.

{Tape : 3; Side : B; Approx. Time Counter : 4 - 10}

HEARING ON SB 457

Sponsor: SEN. DON RYAN, SD 22, Great Falls

Proponents: Lynda Brannon, Montana Association of School
Business Officials
Jon Metropoulos, Browning School District

Opponents: Stanley Juneau, Self, Browning

Opening Statement by Sponsor:

SEN. DON RYAN opened on SB 457. He narrated that SB 457 would authorize a school district to use a portion of its impact aid funds for repayment of bonds.

{Tape : 3; Side : B; Approx. Time Counter : 10 - 11}

Proponents' Testimony:

Lynda Brannon rose in support of SB 457.

Jon Metropoulos, representing the Browning School District, echoed support for SB 457.

{Tape : 3; Side : B; Approx. Time Counter : 11 - 12}

Opponents' Testimony:

Stanley Juneau, representing himself, voiced strong opposition to SB 457. Mr. Juneau summarized that the burden would fall on the local taxpayers. He argued that the bill did not have input from the local taxpayers and many proponents of the bill do not live in the district.

{Tape : 3; Side : B; Approx. Time Counter : 12 - 14}

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. MIGNON WATERMAN asked **Lynda Brannon** how the bonds would be repaid. **Ms. Brannon** theorized the bonds would be paid by a levy on the taxpayers.

SEN. WATERMAN wondered if the Browning School Board discussed this legislation and if they were actively involved. **Jon Metropoulos** replied that the Browning School Board was the initial requester of the draft. He informed the board that they had passed a resolution in support of SB 457.

SEN. ALVIN ELLIS asked for clarification on the funding of bond issues. **Mr. Metropoulos** theorized that the federal government falls short of funding bonds and that means that schools that receive a large amount of impact aid are not able to bond much.

SEN. ELLIS requested that **Madalyn Quinlan** clarify the history of impact aid. **Ms. Quinlan** indicated that ten years ago the state was receiving 21-22 million dollars per year and the current year figure was 37 million for impact aid receipts.

SEN. ELLIS requested the question be redirected to **Lynda Brannon**. **Ms. Brannon** asked if **SEN. ELLIS** was requesting information regarding how other districts involve cash flow from the federal government that would be used for building.

SEN. ELLIS wondered if the funding stream has increased or remained stable. **Ms. Brannon** informed the committee that the money is up for preauthorization every four years. During the last preauthorization, available money was awarded in a competitive setting based on the number of unhoused schools. This was called 815 moneys. In the last preauthorization, the 815 money was replaced with a 5 million dollar component in the impact aid law. The five million dollars equated to \$37 per student across the United States.

SEN. ELLIS responded to **Mr. Juneau's** statement that there are very few taxpayers in the Browning School District. He wondered how much the Browning School District wanted to bond and what the payment would be each year. **Mr. Juneau** stated that he had requested that information and had not received it.

SEN. ELLIS asked if the building was already constructed. **Mr. Juneau** recounted the number of buildings in the Browning School District and reported that he was unaware of any plans to build another building.

SEN. WATERMAN asked **Lynda Brannon** to clarify her statement that there was one year that the state received no impact aid. **Ms.**

Brannon related that the state received impact aid but received nothing under the 815 portion because nothing was authorized.

SEN. BUTCHER hypothesized that a school board could become overly ambitious, pushing through a large bond issue under the assumption that the impact aid moneys could be used to pay the bond. **SEN. RYAN** professed his trust that a school board would make prudent decisions.

SEN. BUTCHER theorized that a statute would allow mischief to develop in programs. **SEN. RYAN** restated his belief in local control.

CHAIRMAN GLASER speculated that the impact aid money could be used as a pseudo-revenue bond. If the impact aid money and revenue bond would disappear, the money would have to come from another source. **Madalyn Quinlan** clarified that a revenue bond project would generate revenue. When the Bond Council would revue the bond, they would look at the property tax base and the number of property taxpayers, when assessing the stability of the bond.

CHAIRMAN GLASER queried whether this is done at present. **Ms. Quinlan** contended that the present federal impact aid would enter a separate fund that would not be used to pay off bonds.

CHAIRMAN GLASER advised **Ms. Quinlan** that legislative council had indicated this could be done at present. He related that under existing law, once the money is in and the money is no longer needed for that purpose, then the money would go to the general fund. **Ms. Quinlan** charged that would be true of budgeted funds but federal impact aid fund remain. If the district didn't draw upon it the aid would stay put. Under this bill the district could use it in a year, to meet a debt service payment.

{Tape : 3; Side : B; Approx. Time Counter : 14 - 30}

Closing by Sponsor:

SEN. RYAN closed on SB 457.

{Tape : 3; Side : B; Approx. Time Counter : 30 - 32}

HEARING ON SB 430

Sponsor: **SEN. ALVIN ELLIS, SD 12, Red Lodge**

Proponents: None

Opponents: Wayne Buchanan, Board of Public Education
 Madalyn Quinlan, Office of Public Instruction
 Eric Feaver, Montana Education Association/Montana
 Federation of Teachers
 Lance Melton, Montana School Boards Association

Opening Statement by Sponsor:

SEN. ALVIN ELLIS opened on SB 430. He informed the committee that SB 430 would require the testing of every 4th grade student to determine the student's reading level. The bill would also require every school to make annual improvements towards the reading goal; require reports on reading goal progress to the legislature, the Superintendent of Public Instruction, parents or guardians and local communities; encourage parents to read to their children; supersede unfunded mandate laws; and provide an effective date.

SEN. ELLIS punctuated his opening with a book entitled, The 90% Reading Goal, **EXHIBIT(eds37a23)**. He offered additional testimony from the National Reading Foundation, **EXHIBIT(eds37a24)**. **SEN. ELLIS** declared that prior to third grade, students learn to read. After third grade, students read to learn.

{Tape : 4; Side : A; Approx. Time Counter : 0 - 9}

Proponents' Testimony: None

Opponents' Testimony:

Wayne Buchanan, Board of Public Education, reluctantly opposed SB 430, arguing that the legislature should not mandate curriculum. He clarified that every 4th grade student in the state is currently being tested. He indicated disapproval with the section of the bill that would require every school to make improvements. If that portion of the bill was deleted, the **Board of Public Education** would remove its opposition to the bill.

Madalyn Quinlan, Office of Public Instruction, echoed reluctance in opposing SB 430. She stated the bill would limit the anticipated, federal initiative on reading under the Bush Administration. She maintained the state must retain the authority of the **Board of Public Education** on matters pertaining to standards and assessment which would allow OPI and the board the flexibility to aggressively pursue the goals of the federal initiatives.

Eric Feaver, Montana Education Association/Montana Federation of Teachers, raised an objection to SB 430 reasoning that assessment would be a great concern in schools that do not have a constant student population. He argued that achievement should be measured on an individual basis.

Lance Melton, Montana School Boards Association, expressed his primary concern with the provision that would supersede the unfunded mandate laws.

{Tape : 4; Side : A; Approx. Time Counter : 9 - 21}

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. JOHN BOHLINGER referred to **SEN. ELLIS'** information from the Bozeman schools and inquired into the success of their program.

SEN. ELLIS indicated that he had not followed up on the information and could not answer the question.

SEN. BOHLINGER wondered if the cost of \$40,368 would be a price that would be applicable to the state of Montana. **SEN. ELLIS** agreed with that assessment.

SEN. RYAN mentioned that students in grades four, eight and eleven are currently tested in the state and queried if the sponsor could provide information pertaining to those test results. **SEN. ELLIS** responded that those tests are norm-referenced based tests, not criteria based tests so they would not give the needed information.

SEN. JACK WELLS asked the sponsor if an average number could be used in developing the testing. **SEN. ELLIS** reasoned that the test should be a criterion based test. Because of the idea of a transitory student population, **SEN. ELLIS** adduced that every child should be tested each year, regardless of grade level.

Eric Feaver, rationalized that the legislature should deal with the **Board of Public Education** and return in 2003 with the money to pay for a criterion based test. He charged that schools in Montana can not buy what other states are purchasing.

{Tape : 4; Side : A; Approx. Time Counter : 21 - 32}

SEN. BOHLINGER asked **Wayne Buchanan** to explain his statement that the problem with the bill would be that it would require schools to make annual improvements. **Mr. Buchanan** stressed that would be

the only part of the bill that would mandate anything. It would require every school district to make annual improvements and that would be the objectionable clause.

CHAIRMAN GLASER adduced that the problem is not universal across the state. **SEN. ELLIS** opined that the reason that Montana is successful in education is because of its cultural strengths.

Given that the problem is different in every school, **CHAIRMAN GLASER** wondered what school boards would do if they were to receive the money to accomplish this goal. **Lance Melton** articulated more support for the proposal if it would recognize that many districts are doing well while others are having problems.

{Tape : 4; Side : B; Approx. Time Counter : 0 - 7}

Closing by Sponsor:

SEN. ELLIS closed on SB 430 by addressing the concerns of the opponents. He justified the provisions in the bill that would deal with accountability. He held that this should not be an unfunded mandate and districts should buy the assessments and be required to meet the goals of the statute.

SEN. ELLIS voiced his disappointment in the content standards, defined by the **Board of Public Education** at a cost of 4.5 million dollars. He argued the **Board of Public Education** is more concerned about the content of the schoolrooms, the administration rooms and the library rooms, than it is about the content of curriculum or the assessments of that curriculum.

Tape : 4; Side : B; Approx. Time Counter : 7 - 12

HEARING ON SB 436

Sponsor: **SEN. ALVIN ELLIS, SD 12, Red Lodge**

Proponents: **Lance Melton, Montana School Boards Association
Eric Feaver, Montana Education Association/Montana
Federation of Teachers**

Opponents: **Kathy Fabiano, Office of Public Instruction**

Opening Statement by Sponsor:

SEN. ALVIN ELLIS opened on SB 436 which was requested by the **Montana School Boards Association**. He submitted amendments

(SB043601.ace) that would cover mistakes made in drafting and address technical issues, **EXHIBIT**(eds37a25).

{Tape : 4; Side : B; Approx. Time Counter : 12 - 14}

Proponents' Testimony:

Lance Melton, Montana School Boards Association, rose in support of SB 436. **Mr. Melton** submitted written testimony that explained the validity of the bill, **EXHIBIT**(eds37a26).

Eric Feaver, Montana Education Association/Montana Federation of Teachers, avowed support for SB 436.

{Tape : 4; Side : B; Approx. Time Counter : 14 - 21}

Opponents' Testimony:

Kathy Fabiano, Office of Public Instruction, expressed opposition to SB 436. The two sections of law amended by the bill would deal with the transfer of budget authority, not with the transfer of cash. This would create conflicts with other sections of law that deal with budget amendments and the conditions under which those increases are appropriate. **Ms. Fabiano** cited many examples in the bill that would conflict with current budget authority.

{Tape : 4; Side : B; Approx. Time Counter : 21 - 27}

Informational Testimony: None

Questions from Committee Members and Responses:

CHAIRMAN GLASER purported that some flexibility in the funds would be a valuable tool. He queried whether **Kathy Fabiano** and the sponsor would work with **Mr. Melton** to amend the bill to make it a valuable working tool.

{Tape : 4; Side : B; Approx. Time Counter : 27 - 28}

Closing by Sponsor:

SEN. ELLIS closed on SB 436.

{Tape : 4; Side : B; Approx. Time Counter : 28 - 29}

EXECUTIVE ACTION ON SB 423

Eddye McClure passed out amendments (SB042301.aem) for SB 423, **EXHIBIT** (eds37a27) .

Motion: SEN. WATERMAN moved that **SB 423 BE AMENDED** (SB042301.aem) .

Discussion:

SEN. RYAN felt that the quality of a school board would not be improved by mandating that members must come from different areas. He stated his opposition to SB 423.

SEN. ELLIS reminded the committee that the bill was not intended to improve the quality of the school board members. The bill would give local people the ability to affect what happens in their school districts.

Vote: SEN. WATERMAN'S motion that **SB 423 BE AMENDED** carried 13-1 with Ryan voting no.

Motion/Vote: SEN. WATERMAN moved that **SB 423 DO PASS AS AMENDED**. Motion carried 13-1 with Ryan voting no.

EXECUTIVE ACTION ON SB 404

Eddye McClure explained the amendments (SB040401.aem) to SB 404, **EXHIBIT** (eds37a28) .

Motion: SEN. WATERMAN moved that **SB 404 BE AMENDED** (SB040401.aem) .

Discussion:

SEN. BUTCHER asked for clarification on the logistics needed to accomplish voting in two districts. **Eddye McClure** explained that when the voters that reside in two districts go to vote they will vote for one designated trustee that will represent their district.

SEN. BUTCHER wanted to know if the designated trustee would change from year to year. **SEN. RYAN** clarified that the trustee would not change and would represent one certain district.

SEN. WATERMAN reiterated that one trustee would be designated to represent an area, much like the trustee that sits on the Helena board and represents East Helena. There would not be an option with this amendment to add an additional trustee.

SEN. ELLIS stated that his experience with school government would indicate that this amendment would not give the party in question much of a voice in the decisions of the school board. For this reason he chose not to support the amendment.

SEN. RYAN maintained that the issue in question would deal with five homes that reside in two different school districts.

SEN. BUTCHER was troubled by the fact that a policy would be developed for the state of Montana which would address three people in one situation. **SEN. RYAN** affirmed that the basic premise behind the bill would allow an individual to vote for the person that is spending their tax dollars.

Vote: SEN. WATERMAN'S motion that **SB 404 BE AMENDED** carried 12-2 with Butcher and Ellis voting no.

Motion/Vote: SEN. WATERMAN moved that **SB 404 DO PASS AS AMENDED**. Motion carried unanimously.

ADJOURNMENT

Adjournment: 7:50 P.M.

SEN. BILL GLASER, Chairman

LINDA ASHWORTH, Secretary

BG/LA

EXHIBIT (eds37aad)